

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.3474 OF 2004

IN

SUIT NO.3573 OF 2001

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Udailal V. Jain & anr. ...Plaintiffs

v/s.

Seema Ramnarayan Agarwal ...Defendant

...

Mr.Naushad Engineer i/b Lalit Jain & Co. for the  
Plaintiffs.

Mr.A.R.Patil for Defendant in support of Notice of  
Motion.

Mr.Hasan Shaikh, Representative of Court Receiver is  
present.

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**CORAM: D.K.DESHMUKH, J.**

**DATED:** 2ND DECEMBER, 2005

**P.C.:**

By consent of parties motion is disposed of in following terms:

(i) The Receiver appointed by this Court on the suit property shall continue. The Defendant shall continue to be in possession as agent of the Receiver, however, in view of the fact that the Defendant is depositing the monthly amount in the Small Causes Court, the Defendant need not pay any royalty to the Receiver.

(ii) Any amount that could have been paid by the Defendant as royalty shall be treated as payment made subject to the result of the suit. Defendant would be entitled to claim adjustment of that amount at the final hearing of the suit.

(iii) Motion disposed of.

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